

28-01-2020
Court No.3
(AJ/Sandip)
SI/3.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE
C.O. 72 OF 2019**

**Raghaba Nanda Prasad Saha & Anr.
Vs.
Parama Nanda Prasad Saha & Anr.**

Mr. Jagriti Mishrar

. . .For the Petitioners.

Mr. Dipayan Sharma ... For the opposite parties.

The senior citizens being the parents of the opposite party no. 1 and parents-in-law of the opposite party no. 2 are the petitioners of the instant application under Article 227 of the Constitution of India.

The grievance of the petitioners are that they have prayed for eviction of the opposite parties from their properties, but the Sub-Divisional Officer, Jalpaiguri being the Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the rules framed thereunder being West Bengal Maintenance and Welfare of Parents and Senior Citizens Rules, 2008 did not at all consider the said prayer of the petitioners while disposing of their application under Section 5 of the said Act.

The petitioners have preferred the statutory appeal against the said order of the Tribunal before the authority prescribed under Rule 9 of the aforementioned rule, which is pending disposal.

It is always open for the petitioners to agitate their said grievance in the said pending appeal as such, the issue is left to be decided by the appellate authority before whom the said appeal is pending.

The appellate authority shall address the said grievance of the petitioners in accordance with law.

However, it is made clear that this Court is not expressing any opinion regarding the merit and maintainability of the said issue which are to be decided by the said appellate authority.

C.O. 72 of 2019 is disposed of with the above terms.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)